

# Arizona

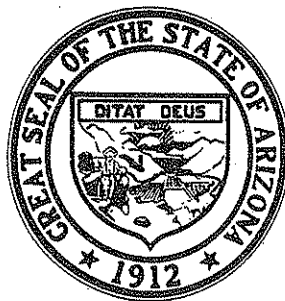
## PUBLICITY PAMPHLET

**"THE CHOICE IS YOURS"**

Propositions to be submitted to the  
qualified electors of the State of Arizona  
at the

**GENERAL ELECTION**

**NOVEMBER 8, 1988**



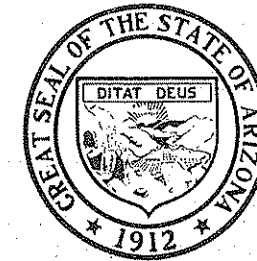
COMPILED AND ISSUED BY

**JIM SHUMWAY**

SECRETARY OF STATE

## TABLE OF CONTENTS

Propositions		Page
100	An Amendment to the Arizona Constitution referred by the Legislature repealing the limitation on the number of terms of the state treasurer. ....	4
	<i>Ballot Format</i> .....	6
101	An Amendment to the Arizona Constitution referred by the Legislature repealing the fair value method used by the Corporation Commission to determine the value of property of public service corporations.....	7
	<i>Ballot Format</i> .....	10
102	An Amendment to the Arizona Constitution referred by the Legislature changing the name of the Commission on Judicial Qualifications to the Commission on Judicial Conduct; changing the number and terms of members and remedies for misconduct.....	11
	<i>Ballot Format</i> .....	15
103	An Amendment to the Arizona Constitution referred by the Legislature removing the language that a person must be a male to be eligible for a state office.....	16
	<i>Ballot Format</i> .....	18
104	An Amendment to the Arizona Constitution referred by the Legislature prescribing purposes for which a city or town may incur additional, voter approved, debt.....	19
	<i>Ballot Format</i> .....	21
105	An Amendment to the Arizona Constitution referred by the Legislature requiring a run-off when state executive candidates do not receive a majority of votes cast in the election for that office. ....	22
	<i>Ballot Format</i> .....	24
106	An Amendment to the Arizona Constitution by Initiative Petition providing that English be the official language of the State of Arizona.....	25
	<i>Ballot Format</i> .....	34
300	Recommendation by the Commission on Salaries for Elected State Officers to increase the salaries of Legislators. ....	35
	<i>Ballot Format</i> .....	37



## SECRETARY OF STATE

### DEAR ARIZONA VOTERS:

Once again you will have an opportunity to vote on constitutional amendments and referred matters on November 8, 1988. One vote, yours, does count and contributes great meaning to the phrase "Of the people, by the people, for the people."

Eight measures are being submitted for your approval or rejection on the November 8, 1988 General Election Ballot. This publicity pamphlet contains the complete text of each measure, a legislative council analysis, arguments for and against, the ballot format containing the official title, descriptive title and the effect of a "yes" and "no" vote, as well as the number by which each proposition will be designated. These items are published pursuant to Section 19-123 Arizona Revised Statutes.

The descriptive titles and the effect of a "yes" vote and the effect of a "no" vote contained within the ballot formats have been revised and approved by the Attorney General, pursuant to Section 19-125, A.R.S.

As mandated by the Federal Voting Rights Act of 1965, amended in 1970, 1975 and 1982, this pamphlet is available in both English and Spanish.

The propositions contained herein represent issues of vital importance to all Arizona voters. I urge you to read carefully each of the measures and the effect a "yes" or "no" vote will have upon them so that you will be ready to fully exercise your right to vote on November 8th. A voter's guide is printed on page 39 to assist you in casting your ballot.

Sincerely,

JIM SHUMWAY  
Secretary of State

PROPOSITION 100

OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1006

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE EXECUTIVE DEPARTMENT; REPEALING THE LIMITATION ON THE NUMBER OF TERMS OF THE STATE TREASURER, AND REPEALING ARTICLE V, SECTION 10, CONSTITUTION OF ARIZONA.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. The repeal of article V, section 10, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the Governor:

Article V, section 10, Constitution of Arizona, relating to the limitation on the number of terms the state treasurer may hold, is repealed.

FINAL VOTE CAST BY THE LEGISLATURE ON SCR 1006  
(PROPOSITION 100)

House—Ayes, 33  
Nays, 24  
Not Voting, 3

Senate—Ayes, 21  
Nays, 6  
Not Voting, 3

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

Proposition 100 would repeal article V, section 10, Constitution of Arizona.

The State Treasurer is elected for a four-year term. Article V, section 10, Constitution of Arizona, currently provides that a person cannot hold the office of State Treasurer for more than two consecutive elected terms.

By repealing article V, section 10, Constitution of Arizona, this Proposition would remove any limitation on the number of elected terms the State Treasurer may hold.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING  
PROPOSTION 100

Allowing a person to hold the office of State Treasurer for more than two consecutive elected terms would retain the expertise developed by the person during his or her term of office.

No other elective office in this state has a constitutional requirement that a person cannot seek additional elected terms. It is only fair that the Constitution be amended to remove the limitation on the number of terms.

The purpose for a limitation on the number of terms was to prevent fraud and mismanagement of state funds. However, current accounting practices will promptly disclose any fiscal irregularities. The limitation on the number of terms for the State Treasurer is, therefore, unnecessary.

Whether or not the State Treasurer serves for more than two consecutive terms should be decided by the voters rather than by constitutionally limiting the officeholder to only two consecutive elected terms.

Arizona is one of the few states that currently limits the number of terms a person may hold the State Treasurer's office. Most states do not restrict the number of terms of the Treasurer.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING  
PROPOSITION 100

By removing the limitation on the number of terms a person could hold the State Treasurer's office it would be possible for one person to hold the office indefinitely.

The State Treasurer is responsible for the investment of millions of dollars of state funds. Electing a different person to the State Treasurer's office would result in a change in investment philosophy. This is a good idea since a sound investment policy calls for a periodic reevaluation of holdings.

Electing a new State Treasurer prevents one person from becoming so entrenched in the office that others would be precluded from discovering any mishandling of state funds.

ARGUMENT "FOR" PROPOSITION 100

In the 1987-88 fiscal year the State Treasurer's Office earned \$200,000,000 in interest!

Among the many tasks assigned to the Treasurer's Office is investing state revenue while there is a positive cash flow. These investment earnings go to make up needed tax revenues, revenues that go to meet local and state financing needs.

Without this type of sophisticated budgeting and planning, the average homeowner could have seen a dramatic increase in his or her property tax.

This is just one of hundreds of tasks performed each year by the Treasurer's Office. The job has become more than one of a bookkeeper, it's now responsible for garnishments, distributions to local governments, investments, etc.

While the job has changed dramatically, the laws governing the office have not.

Treasurer is the only statewide office which is limited in years of service. Popular governors, attorney generals, secretary of states can all stand for election as long as the people will elect them. A treasurer cannot.

The fact is that Arizona is one of only ten states that still have this requirement.

Proposition 100 would allow the public to re-elect a state treasurer if they so desire. That's all this ballot proposition does.

Our Chamber of Commerce recognizes the need for quality state employees. The Treasurer's Office has developed into a key department for the finances and eventually tax rates of all Arizonans. We can't afford to let an outdated law limit the public service of a qualified candidate.

Our Chamber of Commerce recommends a yes vote on Proposition 100.

Sincerely,  
John C. Camper, CCE  
President

ARGUMENT "FOR" PROPOSITION 100

Of the state's elected officials, only the Arizona State Treasurer is limited to holding office for two four-year terms. The provision was written into the state constitution at a time when the state's monies were accounted for manually and few checks and balances were in place to monitor their use.

Today, the state Treasurer's job can be equated to that of chief financial officer of a Fortune 500 company with fully automated systems in place and intensive, outside scrutiny built in to provide the necessary checks and balances. The Legislature's office of the Auditor General thoroughly examines the uses of our state's monies. The public, however, is prevented from electing for more than two terms an individual whose experience and performance qualifies him or her for the responsibilities of the State Treasurer.

The Arizona Chamber of Commerce believes this limitation is obsolete. It is inconsistent with the elective offices of Governor, Secretary of State, Attorney General and Superintendent of Public Instruction which allow unlimited terms. We support giving Arizona's voters the freedom to choose whom they want for State Treasurer without the arbitrary two term restriction.  
We urge you to vote yes on Proposition 100.

Don K. Chambers  
Chairman  
Arizona Chamber of Commerce

BALLOT FORMAT

<div>PROPOSITION 100</div> <div>PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE</div> <div>OFFICIAL TITLE</div> <div>SENATE CONCURRENT RESOLUTION 1006</div> <div>A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE EXECUTIVE DEPARTMENT; REPEALING THE LIMITATION ON THE NUMBER OF TERMS OF THE STATE TREASURER, AND REPEALING ARTICLE V, SECTION 10, CONSTITUTION OF ARIZONA.</div> <div>DESCRIPTIVE TITLE</div> <div>AMENDING ARIZONA CONSTITUTION BY REPEALING THE PROHIBITION AGAINST A PERSON BEING ELIGIBLE TO HOLD THE OFFICE OF STATE TREASURER FOR MORE THAN TWO CONSECUTIVE ELECTED TERMS.</div>				
<div>PROPOSITION 100</div> <div>A "yes" vote shall have the effect of permitting a person to hold the office of State Treasurer for more than two consecutive elected terms.</div> <div>A "no" vote shall have the effect of continuing to prohibit a person from holding the office of State Treasurer for more than two consecutive elected terms.</div>			YES NO	➡ ➡

PROPOSITION 101

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2011

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE CORPORATION COMMISSION; REPEALING THE PROVISION RELATING TO THE METHOD USED BY THE CORPORATION COMMISSION TO DETERMINE THE VALUE OF PUBLIC SERVICE CORPORATIONS, AND REPEALING ARTICLE XV, SECTION 14, CONSTITUTION OF ARIZONA.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. The repeal of article XV, section 14, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the governor:  
Article XV, section 14, Constitution of Arizona, relating to the method used by the Corporation Commission to determine the value of property of public service corporations, is repealed.

FINAL VOTE CAST BY THE LEGISLATURE ON HCR 2011  
(PROPOSITION 101)

House—Ayes, 48	Senate—Ayes, 27
Nays, 4	Nays, 2
Not Voting, 4	Not Voting, 1
Excused, 4	

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

Under the State Constitution the Corporation Commission sets utility rates. In determining these rates, the Corporation Commission must first establish a utility's rate base. A utility's rate base is the value of the plant facilities and other assets needed to supply utility service to the consumer. In establishing a rate base, among other things, the Commission must decide what cost method to use to value the property and assets needed by the utility. There are several different cost methods available to determine a rate base. The two historic cost methods have been "fair value" and "original cost". The Arizona Constitution requires the Corporation Commission to use the "fair value" method in setting a utility's rate base. The "fair value" method involves adjusting the original cost of the plant and additions upward to recognize increased costs in constructing utility plant facilities. The "original cost" method is based on the actual cost of the utility plant at the time of construction or at the time it was first used as a public utility.

Proposition 101 would repeal the constitutional requirement to use only the "fair value" method and would allow the Commission to choose any cost method in designing a rate base.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING  
PROPOSITION 101

Determining which cost method to use is just one component in designing a rate base. Therefore, this choice does not directly affect the utility rates a consumer pays. By not requiring the Corporation Commission to use a particular cost method it allows the Commission the flexibility needed to choose which cost method to use to best produce results that are both fair to the consumer and reasonable to the investor.

Using the "original cost" method instead of the constitutionally required "fair value" method is the preferred method in designing a rate base because the amounts involved are easy to obtain. In contrast, the "fair value" method involves considerable expense, is time-consuming and is controversial because determining a plant's "fair value" involves complex estimating of many changing value factors. It is very

difficult to see how the Commission determines the "fair value" figure because the Commission generally does not reveal in full the complicated methods it has used in determining the "fair value" of the property.

The "original cost" method, instead of Arizona's constitutionally required "fair value" method, is used for rate base determination by all federal jurisdictions and virtually all of the 50 states.

**LEGISLATIVE COUNCIL ARGUMENTS OPPOSING  
PROPOSITION 101**

The setting of utility rates is extremely important to Arizona consumers. This very same Proposition was soundly defeated by the voters in the 1984 general election. Passage of Proposition 101 would give the Corporation Commission the unchecked freedom to select any cost method to use in designing a rate base for public utilities. By removing the constitutional standard requiring the use of the "fair value" method, the Commission could use untried and more costly methods which could result in unfair rates.

The use of the "fair value" method in Arizona has resulted in consistent, reasonable rate-making by the Corporation Commission for many years. In addition, the "fair value" method provides reasonable earnings for the investor in a public utility since it allows for easier adjustment to the current value of the utility's assets than does the "original cost" method. The "fair value" method has served Arizona well and should not be abandoned in favor of methods which the Commission could change at any time.

**ARGUMENT "FOR" PROPOSITION 101**

Passing Proposition 101 will benefit the working people of Arizona, and especially Arizonans on fixed and small incomes.

Regulation of utility companies is necessary to ensure that all users are served fairly and equitably. The "fair value" method was just such a system 75 years ago when our state Constitution was written.

Now, however, it interferes with effective and efficient regulation — particularly in the telecommunications industry, where technological changes occur so rapidly.

"Fair value" is a dinosaur. It mandates an excessively complex, cumbersome and expensive process. It wastes time and money. It increases the cost of regulation — and that will ultimately be passed on as higher rates to every Arizonan.

Elimination of the "fair value" method can speed up the rate-setting process and save money. It does not in any way eliminate the most important constitutional standard for utility rate-setting: That which requires the Corporation Commission to set "just and reasonable rates and charges."

"Fair value" works to the disadvantage of rate-payers by artificially inflating the cost of regulation. 49 states and the Federal government have abandoned "fair value."

It is time for Arizonans to follow suit.

Don Arnold  
Chairman,  
Communications Workers  
of America  
Arizona State Council

**ARGUMENT "FOR" PROPOSITION 101**

Regulated utilities serve two constituencies: Their owners (stockholders) and their customers (rate-payers). It is the job of the Corporation Commission to balance that equation.

Passage of Proposition 101 will allow the Commission to do its job more efficiently. The so-called "fair value" method of calculating the worth of all the property owned by a utility — just one step in setting rates — is costly and time-consuming, so its elimination is sure to produce savings. Some of these savings will belong to taxpayers, by reducing the Commission's costs. And if there are savings for the utilities, the Commission will determine how much is shared by stockholders and how much is returned to ratepayers.

You see, the "fair value" method requires the Commission to determine the cost today to rebuild all of a utility's equipment using the same technology. But with the speed that technology is changing in the

telecommunications industry, rebuilding with old equipment is a meaningless concept. It is a bureaucratic exercise at best.

Everyone shares in the cost of regulation. Better and more efficient regulation benefits the utilities . . . and their customers. Removing the requirement for the old-fashioned "fair value" method from our Constitution will make regulation less costly and more efficient.

That's why we believe we have a responsibility to our stockholders and our ratepayers to support its repeal.

Harvey A. Plummer,  
Executive Director  
External Affairs  
U S West Communications

**ARGUMENT "FOR" PROPOSITION 101**

Proposition 101, which repeals an out-of-date section of the Arizona Constitution, will reduce utility rates to consumers.

Proposition 101 repeals Article 15, Section 14, of the state Constitution, which requires the Corporation Commission to use a specific method to determine the value of property owned by the utility companies as a step in determining rates.

This "fair value" method, popular when the Constitution was written over 75 years ago, has been replaced with more modern methods in every other state in the country.

In fact, the Arizona Corporation Commission and its staff have for years used a blend of valuation methods which consistently produce results that are both fair to the consumer and reasonable to the investor.

By eliminating the constitutional requirement for the Corporation Commission to perform this often unnecessary "fair value" study, Proposition 101 will remove a serious and costly redundancy in the regulatory process.

The change could also produce some tax savings, as it will reduce the cost and manpower the Commission now expends in unnecessary "fair value" studies.

Repealing the "fair value" requirement will modernize the regulatory process in Arizona and allow the Commission to continue to do its job in the most efficient manner possible.

C. Wheeler Hunt  
Phoenix, AZ

**ARGUMENT "AGAINST" PROPOSITION 101**

Prop 101 has the potential for creating more problems than it might eliminate. This proposition proposes only the elimination of the language of "Fair Value." It does not, however, propose any alternative replacement language, thus leaving an enormous gap in regulatory guidelines. In such a gap there is potential for enormous mischief.

The seemingly innocuous language of this proposition is attached to some of the most important protection that Arizona utility rate-payers have. That is, the Arizona Corporation Commission has the right to require information from public service companies that would have a bearing on changes in rates and charges. This means that the burden of proof is on the public service company to show why a rate increase is necessary. Eliminating the "fair value" language from the Constitution, with no replacement language at all, potentially could weaken the Commission's hand in getting the information they need in this critical area.

The "fair value" standard maybe a somewhat cumbersome and possibly antiquated method of determining the value of public service companies' property, and realistically deserves to be updated. However, its elimination and with no clear standard in its place leaves the rate-payer unprotected.

On a issue where there is great uncertainty and disagreement about what the over-all consequences or the end-results of a potentially far-reaching Proposition will be, particularly in the current environment of utility regulation, wisdom weighs on the side of caution. Elimination of the "Fair Value" standard is an idea whose time has not yet come.

Dana B. Larsen  
Executive Director  
Arizona Common Cause

BALLOT FORMAT

<div>PROPOSITION 101</div> <div>PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE</div> <div>OFFICIAL TITLE</div> <div>HOUSE CONCURRENT RESOLUTION 2011</div> <div>A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE CORPORATION COMMISSION; REPEALING THE PROVISION RELATING TO THE METHOD USED BY THE CORPORATION COMMISSION TO DETERMINE THE VALUE OF PUBLIC SERVICE CORPORATIONS, AND REPEALING ARTICLE XV, SECTION 14, CONSTITUTION OF ARIZONA.</div> <div>DESCRIPTIVE TITLE</div> <div>AMENDING ARIZONA CONSTITUTION TO REPEAL THE CURRENT REQUIREMENT THAT THE CORPORATION COMMISSION USE ONLY THE FAIR VALUE METHOD FOR DETERMINING THE VALUE OF A UTILITY'S PROPERTY IN ESTABLISHING THE UTILITY'S RATE BASE AND ALLOWING THE COMMISSION TO CHOOSE WHICH METHOD SHOULD BE USED TO ESTABLISH THE RATE BASE.</div> <div>PROPOSITION 101</div> <div>A "yes" vote shall have the effect of allowing the Corporation Commission to use any method for determining the value of a utility's property in establishing its rate base.</div> <div>A "no" vote shall have the effect of retaining the "fair value" method as the only method for establishing a utility's rate base.</div>			YES	➡
	NO	➡		

PROPOSITION 102

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2009

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE COMMISSION ON JUDICIAL CONDUCT; PROVIDING FOR THE COMMISSION ON JUDICIAL CONDUCT; PRESCRIBING COMPOSITION AND TERMS OF MEMBERS; PRESCRIBING REMEDIES FOR MISCONDUCT; PRESCRIBING APPLICABILITY; MAKING CONFORMING CHANGES; AMENDING THE ARTICLE HEADING OF ARTICLE VII, CONSTITUTION OF ARIZONA, AND AMENDING ARTICLE VII, SECTIONS 1, 2, 3, 4 AND 5, CONSTITUTION OF ARIZONA.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. The following amendment of the heading of article VII, Constitution of Arizona, and the amendments of article VII, sections 1, 2, 3, 4 and 5, Constitution of Arizona, are proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the governor:

ARTICLE VII.  
COMMISSION ON JUDICIAL QUALIFICATIONS CONDUCT

1. Composition; appointment; term; vacancies

Section 1. A. A commission on judicial ~~qualifications~~ CONDUCT is created to be composed of ~~nine~~ ELEVEN persons consisting of two judges of the court of appeals, two judges of the superior court, ~~and~~ one justice of the peace AND ONE MUNICIPAL COURT JUDGE, who shall be appointed by the supreme court, two members of the state bar of Arizona, who shall be appointed by the governing body of such bar association, and ~~two~~ THREE citizens who are not judges, retired judges nor members of the state bar of Arizona, who shall be appointed by the governor subject to confirmation by the senate in the manner prescribed by law.

B. Terms of members of the commission shall be ~~four~~ SIX years, except that INITIAL TERMS OF TWO MEMBERS APPOINTED BY THE SUPREME COURT AND ONE MEMBER APPOINTED BY THE STATE BAR OF ARIZONA FOR TERMS WHICH BEGIN IN JANUARY, 1991 SHALL BE FOR TWO YEARS AND INITIAL TERMS OF ONE MEMBER APPOINTED BY THE SUPREME COURT AND ONE MEMBER APPOINTED BY THE STATE BAR OF ARIZONA FOR TERMS WHICH BEGIN IN JANUARY, 1991 SHALL BE FOR FOUR YEARS. If a member ceases to hold the position that qualified him for appointment his membership on the commission terminates. An appointment to fill a vacancy for an unexpired term shall be made for the remainder of the term by the appointing power of the original appointment.

2. Disqualification of judge

Section 2. A judge is disqualified from acting as a judge, without loss of salary, while there is pending an indictment or an information charging him in the United States with a crime punishable as a felony under Arizona or federal law, or a recommendation to the supreme court by the commission on judicial ~~qualifications~~ CONDUCT for his SUSPENSION, removal or retirement.

3. Suspension or removal of judge

Section 3. On recommendation of the commission on judicial ~~qualifications~~ CONDUCT, or on its own motion, the supreme court may suspend a judge from office without salary when, in the United States, he pleads guilty or no contest or is found guilty of a crime punishable as a felony under Arizona or federal law or of any other crime that involves moral turpitude under such law. If his conviction is reversed the suspension terminates, and he shall be paid his salary for the period of suspension. If he is suspended and his conviction becomes final the supreme court shall remove him from office.

4. Retirement of judge

Section 4. A. On recommendation of the commission on judicial qualifications CONDUCT, the supreme court may retire a judge for disability that seriously interferes with the performance of his duties and is or is likely to become permanent, and may censure, SUSPEND WITHOUT PAY or remove a judge for action by him that constitutes wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

B. A judge retired by the supreme court shall be considered to have retired voluntarily. A judge removed by the supreme court is ineligible for judicial office in this state.

5. Definitions and rules implementing article

Section 5. The term "Judge" as used in this constitutional amendment ARTICLE shall apply to all justices of the peace, JUDGES IN COURTS INFERIOR TO THE SUPERIOR COURT AS MAY BE PROVIDED BY LAW, judges of the superior court, judges of the court of appeals and justices of the supreme court. The supreme court shall make rules implementing this article and providing for confidentiality of proceedings. A judge who is a member of the commission or supreme court shall not participate as a member in any proceedings hereunder involving his own censure, SUSPENSION, removal or involuntary retirement.

FINAL VOTE CAST BY THE LEGISLATURE ON HCR 2009  
(PROPOSITION 102)

House—Ayes, 51  
Nays, 4  
Not Voting, 5

Senate—Ayes, 25  
Nays, 1  
Not Voting, 4

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

The Constitution of Arizona currently provides for a Commission on Judicial Qualifications to supervise the disqualification, suspension, removal or retirement of all judges except municipal court judges. The nine-member Commission is composed of five judges, two attorneys and two citizens. The Commission investigates complaints against judges and recommends discipline of judges to the Supreme Court of Arizona.

Proposition 102 would amend article VII, sections 1, 2, 3, 4 and 5, Constitution of Arizona, by changing the name of the Commission to the Commission on Judicial Conduct. The Proposition would also provide for the addition of two new members to the Commission, including one municipal court judge and one citizen.

All terms of the members of the Commission would be extended from four to six years and, beginning in 1991, the members' terms would be rotated.

Proposition 102 would subject the conduct of municipal court judges to the scrutiny of the Commission. The result of this would be that all judges in the state would be monitored by the Commission.

Proposition 102 would also provide for the suspension of a judge without pay as an alternative to the traditional forms of discipline.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING  
PROPOSITION 102

By changing the name of the Commission from the Commission on Judicial Qualifications to the Commission on Judicial Conduct, the name of the Commission will reflect that the purpose of the Commission is to monitor the conduct of judges in this state.

This Proposition would subject the conduct of all judges in this state to the scrutiny of the commission, including municipal court judges.

Proposition 102 would allow a citizen to make a complaint against a municipal court judge with the Commission. Previously, any complaint a citizen might have against this judge would have to be brought to the city council.

By placing all judges under the jurisdiction of the Commission, Proposition 102 extends due process rights to notice and a hearing to municipal court judges.

Proposition 102 would expand the authority of the Supreme Court by allowing the Supreme Court to suspend a judge without pay as an alternative to disciplining a judge by disqualification, suspension, removal or retirement.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING  
PROPOSITION 102

Proposition 102 would extend the authority of the current Commission, controlled by judges, to supervise the conduct of all municipal judges in this state.

This Proposition would result in a Commission on Judicial Conduct which is more concerned with the type of conduct that will lead to disqualification, suspension, removal or retirement rather than the qualifications a judge must meet to serve on the bench.

A Commission composed of eleven members would be more expensive, requiring more tax money, and would be slow in responding to complaints of judicial misconduct.

The addition of one municipal court judge to the Commission would increase the power of the judges to review the activities and conduct of other judges without sufficient citizen input. This is not offset by the addition of one other citizen to the Commission. The citizens of this state remain inadequately represented on this important commission.

ARGUMENT "FOR" PROPOSITION 102

In 1970, the People of the State of Arizona, amended the State Constitution by adding a Commission on Judicial Qualifications, which body, in part, was created to investigate complaints made by individuals against judges; however, city and town judges were not included in this Amendment. This glaring omission will be corrected by Proposition 102.

The Commission has worked well for 18 years. It is composed of judges, lawyers and nonlawyers. For sometime, it has been felt that a few modifications should be made to the 1970 Amendment establishing the Commission. All of the specific changes are discussed elsewhere in this booklet. In this regard, the impartial comments of the Arizona Legislative Council are most helpful and instructive.

If the People approve Proposition 102, the Commission will have one additional, nonlawyer member. The more participation of the citizenry, the better is the desired result — Judicial Responsibility and Accountability At All Levels!

In excess of three-fourths of the members of the last Session of the Arizona State Legislature referred this measure to the People for their vote. It is definitely a nonpartisan issue, as there are no Democratic nor Republican ways of dispensing justice. The need for very slight change has been recognized not only by our legislators, but also by other concerned persons. It is only, We, the People, who have the right and the power to alter Arizona's Constitution.

Please read all of the arguments in this Pamphlet about Proposition 102 and then go to the polls on General Election Day and vote "YES" on 102.

John T. Zastrow  
Phoenix, AZ

ARGUMENT "FOR" PROPOSITION 102

The State Bar of Arizona supports this amendment to the Arizona Constitution, because we believe these changes will improve the quality of justice in Arizona. The most significant proposed change is to include all state judges in Arizona within the jurisdiction of the Commission.



At the present time municipal court judges are excluded. This means that citizens who have complaints about those judges have nowhere to direct the complaints except to the mayors and city councils, who in some instances do not have the administrative procedures to handle such complaints. Since the Commission is specifically set up and funded to process complaints about judicial conduct, we believe it is in the interest of the citizens of Arizona that the Commission have authority to review the conduct of all state judges.

Additionally, the constitutional amendment would change the title of the Commission to "Commission on Judicial Conduct," which is more consistent with the role of the Commission. Finally, the amendment allows the Supreme Court, following investigation and due process, to suspend a judge without pay as one alternative form of discipline, which the State Bar believes is an appropriate disciplinary action in some matters.

The State Bar of Arizona urges all voters to support this amendment to the Arizona Constitution.

The State Bar of Arizona  
 Thomas Zlaket  
 President  
 Bruce Hamilton  
 Executive Director

ARGUMENT "FOR" PROPOSITION 102

The membership of the Arizona Magistrates Association favors this amendment.

The Judicial Qualifications Commission (to be renamed the Commission on Judicial Conduct) is presently responsible for investigating complaints of ethical violations of all judges in the state except municipal court judges.

Under the existing Arizona Constitution, there is no single location for a citizen or group to file an ethical complaint against a city magistrate, with knowledge that an investigation will follow. A city council may consider a complaint, but may decline to do so.

At present there is no agency designated by the Arizona Constitution to investigate ethical complaints against municipal court judges. That situation can lead to public dissatisfaction and frustration with the legal system when no one will listen, and no one will act. Municipal court judges are presently held to the same high standards by the Code of Judicial Conduct as are other judges. They should be judged the same way. Vote Yes.

Eugene H. Hays  
 President Emeritus  
 Arizona Magistrates Association

ARGUMENT "FOR" PROPOSITION 102

The League of Women Voters of Arizona strongly supports Proposition 102 as a means of improving the quality and consistency of justice in Arizona.

Prop. 102 Will:

- Rename the Commission to more accurately reflect its purpose as the Commission on Judicial Conduct.
- Increase the number of Commission members from nine to eleven by adding one municipal court judge and one more lay member.
- Include city court judges among those whose conduct may be examined by the Commission specifically charged with overseeing judicial conduct. At present, all other Arizona judges and supreme court justices are subject to Commission jurisdiction.

—Give citizens with complaints about any judge one commission with which to lodge their charges. Currently, complaints about municipal court judges must be lodged with city councils which have the responsibility of attending to urgent city business and may not feel it either a priority or politically expedient to spend time attending to complaints about municipal court judges.

—Give the Commission and the supreme court an additional means of disciplining a judge by adding the possibility of suspension without pay. Current law provides only for censure or removal.

The League of Women Voters of Arizona urges citizens to vote yes on proposition 102.

Betsy Boorse  
 President  
 League of Women Voters of Arizona
 Skeet Blakeslee  
 Legislative Chairman  
 League of Women Voters of Arizona

BALLOT FORMAT

<div>PROPOSITION 102</div> <div>PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE</div> <div>OFFICIAL TITLE</div> <div>HOUSE CONCURRENT RESOLUTION 2009</div> <div>A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE COMMISSION ON JUDICIAL CONDUCT; PROVIDING FOR THE COMMISSION ON JUDICIAL CONDUCT; PRESCRIBING COMPOSITION AND TERMS OF MEMBERS; PRESCRIBING REMEDIES FOR MISCONDUCT; PRESCRIBING APPLICABILITY; MAKING CONFORMING CHANGES; AMENDING THE ARTICLE HEADING OF ARTICLE VI.I, CONSTITUTION OF ARIZONA, AND AMENDING ARTICLE VI.I, SECTIONS 1, 2, 3, 4 AND 5, CONSTITUTION OF ARIZONA.</div> <div>DESCRIPTIVE TITLE</div> <div>AMENDING ARIZONA CONSTITUTION CHANGING NAME OF COMMISSION ON JUDICIAL QUALIFICATIONS TO COMMISSION ON JUDICIAL CONDUCT; INCREASING MEMBERSHIP FROM NINE TO ELEVEN, ADDING A MUNICIPAL COURT JUDGE AND ONE CITIZEN; CHANGING TERMS FROM FOUR TO SIX YEARS; INCLUDING MUNICIPAL JUDGES UNDER THE COMMISSION'S JURISDICTION AND EXPANDING DISCIPLINE FOR MISCONDUCT.</div>				
<div>PROPOSITION 102</div> <div>A "yes" vote shall have the effect of changing the name, composition and terms of the Commission on Judicial Qualifications; giving the Commission jurisdiction over municipal court judges and providing for additional discipline.</div> <div>A "no" vote shall have the effect of leaving the name, composition, terms, jurisdiction and authority of the Commission on Judicial Qualifications unchanged.</div>			YES	➡
			NO	➡



PROPOSITION 103

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2008

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE EXECUTIVE DEPARTMENT; REMOVING REQUIREMENT THAT A PERSON MUST BE A MALE TO BE ELIGIBLE FOR A STATE OFFICE, AND AMENDING ARTICLE V, SECTION 2, CONSTITUTION OF ARIZONA.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. The following amendment of article V, section 2, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the governor:

2. Eligibility to state offices

Section 2. No person shall be eligible to any of the offices mentioned in section 1 of this article except a male person of the age of not less than twenty-five years, who shall have been for ten years next preceding his election a citizen of the United States, and for five years next preceding his election a citizen of Arizona.

FINAL VOTE CAST BY THE LEGISLATURE ON HCR 2008  
(PROPOSITION 103)

House—Ayes, 57	Senate—Ayes, 27
Nays, 0	Nays, 0
Not Voting, 3	Not Voting, 3

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

At the present time, the Arizona Constitution contains conflicting provisions, one of which states that only males are eligible to hold the elective offices of Governor, Secretary of State, State Treasurer, Attorney General and Superintendent of Public Instruction.

Proposition 103 would amend the Arizona Constitution to remove this requirement that the Governor, Secretary of State, State Treasurer, Attorney General and Superintendent of Public Instruction be male.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING  
PROPOSITION 103

It is time to take a stand against discrimination by removing this discriminatory provision from our State Constitution. Removal of this "male only" provision would demonstrate our state's commitment to social progress and freedom of political opportunity for all our citizens. In contrast, the failure to amend our State Constitution to remove this discriminatory language would add fuel to the argument that the federal government must intervene to end sex discrimination because the states are unwilling to end this discrimination on their own.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING  
PROPOSITION 103

The Office of the Attorney General examined the "male only" requirement in 1984. The Attorney General concluded that the "male only" requirement does not preclude a woman from holding these public offices because this requirement has been superseded by another state constitutional provision which guarantees the right of both males and females to hold any state or local public office. Therefore, there is simply no current need to amend the State Constitution to delete the "male only" requirement.

ARGUMENT "FOR" PROPOSITION 103

Our constitution has the appearance of being sexist and unconstitutional. The present language has the appearance of unfairness. We believe the constitution should directly say what it means, therefore the word "male" as a requirement for office must be removed. Arizona's women in this and succeeding generations will benefit from the change. Removal of the "male only" provision would tell the world that Arizona can listen to, learn from and act upon recommendations from junior high school students. Even though we cannot vote we urge you to vote yes on our behalf.

Submitted on behalf of the Language Arts class of Jahe Gurney, Basic Curriculum Middle School, Tucson, Arizona by Representative Jim Green.

Jim Green

ARGUMENT "FOR" PROPOSITION 103

The Arizona Constitution presently states that only male individuals may hold our state's key elective offices, although the provision is inconsistent with other sections of the state constitution. The Arizona Chamber of Commerce believes that our constitution should consistently affirm that any qualified individual, regardless of sex, should have the opportunity to hold elective office including that of Governor, Secretary of State, Treasurer, Attorney General and Superintendent of Public Instruction.

Proposition 103 is in effect a housekeeping measure. We urge you to join us in supporting it. Vote yes on Proposition 103.

Don K. Chambers  
Chairman  
Arizona Chamber of Commerce

BALLOT FORMAT

<div>PROPOSITION 103</div> <div>PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE</div> <div>OFFICIAL TITLE</div> <div>HOUSE CONCURRENT RESOLUTION 2008</div> <div>A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE EXECUTIVE DEPARTMENT; REMOVING REQUIREMENT THAT A PERSON MUST BE A MALE TO BE ELIGIBLE FOR A STATE OFFICE, AND AMENDING ARTICLE V, SECTION 2, CONSTITUTION OF ARIZONA.</div>				
<div>DESCRIPTIVE TITLE</div> <div>AMENDING ARIZONA CONSTITUTION TO REMOVE LANGUAGE WHICH CONFLICTS WITH OTHER PROVISIONS OF THE ARIZONA CONSTITUTION STATING THAT ONLY MALES ARE ELIGIBLE TO HOLD THE ELECTIVE STATE OFFICES OF GOVERNOR, SECRETARY OF STATE, STATE TREASURER, ATTORNEY GENERAL, AND SUPERINTENDENT OF PUBLIC INSTRUCTION.</div>				
<div>PROPOSITION 103</div> <div>A "yes" vote shall have the effect of removing the conflicting language specifying that only males are eligible to hold elective state executive branch offices.</div> <div>A "no" vote shall have the effect of retaining the conflicting language specifying that only males are eligible to hold elective state executive branch offices.</div>			<div>YES</div> <div>NO</div>	<div>➡</div> <div>➡</div>

PROPOSITION 104

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2010

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO PUBLIC DEBT, REVENUE AND TAXATION; PRESCRIBING PURPOSES FOR WHICH CITY OR TOWN MAY INCUR ADDITIONAL, VOTER APPROVED, DEBT, AND AMENDING ARTICLE IX, SECTION 8, CONSTITUTION OF ARIZONA.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. The following amendment of article IX, section 8, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the governor:

8. Local debt limits; assent of taxpayers

Section 8. (1) No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding six per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of a majority of the property taxpayers, who must also in all respects be qualified electors, therein voting at an election provided by law to be held for that purpose, the value of the taxable property therein to be ascertained by the last assessment for state and county purposes, previous to incurring such indebtedness; except, that in incorporated cities and towns assessments shall be taken from the last assessment for city or town purposes; Provided, that under no circumstances shall any county or school district become indebted to an amount exceeding fifteen per centum of such taxable property, as shown by the last assessment roll thereof; and Provided further, that any incorporated city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding twenty per centum additional, for:

- (a) Supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light, or sewers are or shall be owned and controlled by the municipality. ~~and for~~
- (b) The acquisition and development by the incorporated city or town of land or interests therein for open space preserves, parks, playgrounds and recreational facilities.
- (c) THE COSTS OF ACQUIRING RIGHTS-OF-WAY, AND RELATED EXPENSES, FOR CONSTRUCTING AND RECONSTRUCTING STREETS AND BRIDGES.

(2) The provisions of section 18, subsections (3), (4), (5) and (6) of this article shall not apply to this section.

FINAL VOTE CAST BY THE LEGISLATURE ON HCR 2010  
(PROPOSITION 104)

House—Ayes, 32	Senate—Ayes, 27
Nays, 24	Nays, 0
Not Voting, 4	Not Voting, 3

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

The Arizona Constitution places limits on municipal debt. A city or town can become indebted for any general municipal purpose in an amount up to 6% of the assessed valuation of taxable property in the city or town.

In addition, the city or town can incur debt over the limit (up to 20% of assessed valuation) for water-works, lights, sewers, and parks and recreation purposes, but only if allowed by the voters at an election.

Proposition 104 would amend the State Constitution to add "the costs of acquiring rights-of-way, and related expenses, for constructing and reconstructing streets and bridges" to the purposes for which a city or town could incur additional debt (up to the 20% limit) with voter approval.

This Proposition would affect city and town debt, but not state or other governmental debt, and would not change the amount of the existing debt limits.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING  
PROPOSITION 104

Proposition 104 will allow cities and towns greater flexibility in meeting citizens' demands for improved transportation systems, but it will not allow cities and towns to exceed constitutional debt limits. It simply allows cities and towns which are nearing their 6% debt limit to ask their voters to place street and bridge acquisition, construction and reconstruction costs in a separate debt limit category. Of course, any bonds issued to finance actual projects would require additional voter approval at a separate election. That is why the Legislature approved the submission of Proposition 104 to the voters.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING  
PROPOSITION 104

This proposal would encourage more government debt at a time when governments from the national to the local levels are failing to practice financial responsibility. Government indebtedness steadily increases while capacity to pay lags behind.

Proposition 104 is merely a device to produce extra bonding capacity. Here is how it would work under Proposition 104:

If a city or town needs \$25 million in street construction, it would go to the voters for the extra bonding capacity under the 20% debt limit. If the voters approve those street improvements would be financed under the 20% voter-approved debt limit, and \$25 million worth of other projects could be financed under the 6% limit, if approved by the voters, for a total of \$50 million of new debt. If the voters disapprove, the city or town would still finance the streets under the 6% debt limit as is provided under current law. This Proposition is thus not really aimed at street improvements at all but at providing debt capacity for other projects.

There is simply no valid reason to create additional municipal debt.

ARGUMENT "FOR" PROPOSITION 104

Proposition 104 will assist cities and towns, particularly those experiencing rapid growth, in financing street and road improvements. The growth experienced by many of our communities is anticipated to continue, and it is essential that we find new ways to meet the demands of citizens for improved transportation systems. Finding ways to improve our transportation system is important if we wish to maintain and enhance the quality of life we have come to enjoy.



Proposition 104 provides cities and towns greater flexibility in financing street and road projects. Currently, there are two debt limits prescribed in the Arizona Constitution. Under the first limitation, cities may issue bonds with voter approval for general municipal purposes. These purposes include such services as streets, police, fire and library services for amounts up to 6% of the assessed valuation of the city.

Under the second limit, a city may issue bonds in amounts up to 20% of the assessed valuation of the city for a variety of utility services, including water and sewer. Proposition 104 would simply allow bonds issued for street purposes to be placed under the 20% limit along with other essential infrastructure projects.

The voters of communities nearing the 6% debt limit should be given the opportunity to determine, at a separate election, whether they wish to have bonds issued to provide for additional street improvements under the 20% debt limit. This proposition simply provides the voters of these communities the opportunity to make this choice if they so desire.

Harry E. Mitchell, President  
League of Arizona Cities and Towns  
Mayor, City of Tempe

BALLOT FORMAT

<div>PROPOSITION 104</div> <div>PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE</div> <div>OFFICIAL TITLE</div> <div>HOUSE CONCURRENT RESOLUTION 2010</div> <div>A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO PUBLIC DEBT, REVENUE AND TAXATION; PRESCRIBING PURPOSES FOR WHICH A CITY OR TOWN MAY INCUR ADDITIONAL, VOTER APPROVED, DEBT, AND AMENDING ARTICLE IX, SECTION 8, CONSTITUTION OF ARIZONA.</div> <div>DESCRIPTIVE TITLE</div> <div>AMENDING ARIZONA CONSTITUTION TO INCLUDE THE ACQUISITION OF RIGHTS-OF-WAY AND CONSTRUCTION OR RECONSTRUCTION OF STREETS AND BRIDGES BY INCORPORATED CITIES OR TOWNS, WITHIN THE EXISTING PROVISION WHICH AUTHORIZES AN ADDITIONAL TWENTY PER CENTUM VOTER APPROVED INDEBTEDNESS.</div>			
<div>PROPOSITION 104</div> <div>A "yes" vote shall have the effect of allowing an incorporated city or town to become indebted up to an additional twenty per cent for costs of acquiring rights-of-way and for constructing and reconstructing streets and bridges, if approved by the voters.</div> <div>A "no" vote shall have the effect of not changing the existing provision allowing additional voter approved indebtedness.</div>		YES  NO	  

PROPOSITION 105

OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1011

A CONCURRENT RESOLUTION RELATING TO THE EXECUTIVE DEPARTMENT, SUFFRAGE AND ELECTIONS AND REMOVAL FROM OFFICE; PRESCRIBING VOTE REQUIREMENTS FOR STATE EXECUTIVE OFFICERS AND SPECIAL ELECTIONS; PRESCRIBING RUNOFF ELECTIONS FOR STATE EXECUTIVE OFFICERS; MAKING TECHNICAL CHANGES, AND AMENDING ARTICLE V, SECTION 1, ARTICLE VII, SECTION 7, AND ARTICLE VIII, PART 1, SECTION 4, CONSTITUTION OF ARIZONA.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. The following amendment to article V, section 1, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the governor:

1. Executive department; state officers; terms; election; residence and office at seat of government; duties

Section 1. A. The executive department shall consist of THE governor, secretary of state, state treasurer, attorney general, and superintendent of public instruction, each of whom shall hold his office for four years beginning on the first Monday of January, 1971 next after the regular general election in 1970.

B. The persons, respectively, PERSON having the highest number A MAJORITY of THE votes cast for the office voted for shall be elected. IF NO PERSON RECEIVES A MAJORITY OF THE VOTES CAST FOR THE OFFICE, A SECOND ELECTION SHALL BE HELD AS PRESCRIBED BY LAW BETWEEN THE PERSONS RECEIVING THE HIGHEST AND SECOND HIGHEST NUMBER OF VOTES CAST FOR THE OFFICE. THE PERSON RECEIVING THE HIGHEST NUMBER OF VOTES AT THE SECOND ELECTION FOR THE OFFICE IS ELECTED, but if THE two or more persons shall have an equal and the highest number of votes for any one of said offices THE OFFICE, the two houses of the legislature at its next regular session shall elect forthwith, by joint ballot, one of such persons for said office.

C. The officers of the executive department during their terms of office shall reside at the seat of government where they shall keep their offices and the public records, books, and papers. They shall perform such duties as are prescribed by the constitution and as may be provided by law.

2. The following amendment of article VII, section 7, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the governor:

7. Highest number of votes received as determinative of person elected

Section 7. EXCEPT FOR OFFICES DESIGNATED IN ARTICLE V, SECTION 1, in all elections held; by the people; in this state, the person, or persons, receiving the highest number of legal votes shall be declared elected.

3. The following amendment of article VIII, part 1, section 4, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the governor:

4. Special election; candidates; results; qualification of successor

Section 4. Unless he THE INCUMBENT otherwise request REQUESTS, in writing, his THE INCUMBENT'S name shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted for at said election. IF THE OFFICE IS ONE DESIGNATED IN ARTICLE V, SECTION 1, THE CANDIDATE WHO RECEIVES A MAJORITY OF THE VOTES CAST IS ELECTED FOR THE REMAINDER OF THE TERM. IF NO PERSON RECEIVES A MAJORITY OF THE VOTES CAST, A SECOND ELECTION SHALL BE HELD AS

PRESCRIBED BY LAW BETWEEN THE PERSONS RECEIVING THE HIGHEST AND SECOND HIGHEST NUMBER OF VOTES CAST. THE PERSON RECEIVING THE HIGHEST NUMBER OF VOTES AT THE SECOND ELECTION IS ELECTED FOR THE REMAINDER OF THE TERM. The candidate FOR AN OFFICE WHICH IS NOT DESIGNATED IN ARTICLE V, SECTION 1 who shall receive the highest number of votes; shall be declared elected for the remainder of the term. Unless the incumbent receive RECEIVES the highest number of votes PRESCRIBED IN THIS SECTION, he THE INCUMBENT shall be deemed to be removed from office, upon qualification of his THE successor. In the event that his THE successor shall not qualify within five days after the result of said election shall have been declared, the said office shall be vacant, and may be filled as provided by law.

FINAL VOTE CAST BY THE LEGISLATURE ON SCR 1011 (PROPOSITION 105)

House—Ayes, 48	Senate—Ayes, 25
Nays, 6	Nays, 3
Not Voting, 6	Not Voting, 2

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

The State Constitution currently provides that a person who is running for an executive department office is elected if he receives the highest number of votes in the general election. The executive department offices are the Governor, Secretary of State, State Treasurer, Attorney General and Superintendent of Public Instruction.

Proposition 105 would require that a candidate for an executive department office receive a majority of the votes cast to be elected. If no candidate received a majority of the votes cast in the general election, a second election would be held between the persons receiving the highest and second highest number of votes at the general election.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING PROPOSITION 105

One of the foundations of the American political system is that the majority rules. The majority of the people should not have to be governed by officers who receive the support of less than one-half of the voters. Under Arizona's current law this can and has happened.

The passage of Proposition 105 will ensure that the state's officers have the support of at least half of the voters in this state. With this support they can work more effectively knowing that they have the backing of a majority of the citizens of this state.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING PROPOSITION 105

The current requirements for electing state officers have been in effect since the time of statehood in 1912 and have worked well. Proposition 105 would require a runoff election but does not state how or when this election would be held. A winner of a runoff election would have little time to prepare for entering office. The Proposition would stretch already tight state and county budgets by imposing an additional tax burden for a second statewide election.

Proposition 105 makes it more difficult for candidates who are not members of the two major parties. Therefore, the Proposition would limit the effective choice of voters to candidates from the major parties.

ARGUMENT "AGAINST" PROPOSITION 105

This proposition is an overreaction by our Legislature. The primary elections are a weeding out process that make a runoff election unnecessary. The recent furor over a recalled governor who had received less than a majority caused this reaction.

Consider: a minority party candidate might receive 10% of the votes while two other candidates received 49.9% and 40.1% each. This would be a clear victory but a runoff would be held.

Abraham Lincoln, John F. Kennedy and many other U. S. Presidents received less than a majority but a law such as the one proposed would have required a runoff election.

The expense of any election is enormous and a runoff election which really serves no useful purpose is a total waste of money. We could be involved in a runoff after each election since there is nearly always a minor party candidate.

Consider a runoff in which a write-in candidate again splits the vote and neither major candidate wins by a majority on the second try. Do we hold yet another runoff?

Vote NO on this proposition.

Jerry M. Pulliam  
Green Valley, Arizona

BALLOT FORMAT

<div>PROPOSITION 105</div> <div>PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE</div> <div>OFFICIAL TITLE</div> <div>SENATE CONCURRENT RESOLUTION 1011</div> <div>A CONCURRENT RESOLUTION RELATING TO THE EXECUTIVE DEPARTMENT, SUFFRAGE AND ELECTIONS AND REMOVAL FROM OFFICE; PRESCRIBING VOTE REQUIREMENTS FOR STATE EXECUTIVE OFFICERS AND SPECIAL ELECTIONS; PRESCRIBING RUNOFF ELECTIONS FOR STATE EXECUTIVE OFFICERS; MAKING TECHNICAL CHANGES, AND AMENDING ARTICLE V, SECTION 1, ARTICLE VII, SECTION 7, AND ARTICLE VIII, PART 1, SECTION 4, CONSTITUTION OF ARIZONA.</div> <div>DESCRIPTIVE TITLE</div> <div>AMENDING ARIZONA CONSTITUTION TO REQUIRE A RUNOFF ELECTION IF NO PERSON RECEIVES A MAJORITY OF VOTES CAST IN A GENERAL OR RECALL ELECTION FOR THE OFFICES OF GOVERNOR, SECRETARY OF STATE, STATE TREASURER, ATTORNEY GENERAL, OR SUPERINTENDENT OF PUBLIC INSTRUCTION.</div>				
<div>PROPOSITION 105</div> <div>A "yes" vote shall have the effect of requiring a runoff election for certain state offices if no candidate receives a majority of the votes cast for the office.</div> <div>A "no" vote shall have the effect of retaining the provision for all elective offices that the candidate receiving the highest number of legal votes shall be declared elected.</div>			YES	➡
			NO	➡

PROPOSITION 106

AN INITIATIVE MEASURE

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE ENGLISH LANGUAGE PROVIDING THAT ENGLISH IS THE OFFICIAL LANGUAGE OF THE STATE OF ARIZONA, AND AMENDING THE CONSTITUTION OF ARIZONA BY ADDING ARTICLE XXVIII.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona.

The following amendment to the Constitution of Arizona, by adding Article XXVIII, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the governor:

Section 1. The Constitution of Arizona is amended by adding Article XXVIII, to read:  
**ARTICLE XXVIII. ENGLISH AS THE OFFICIAL LANGUAGE**

1. *English as the Official Language; Applicability.*

Section 1. (1) The English language is the official language of the State of Arizona.

(2) As the official language of this State, the English language is the language of the ballot, the public schools and all government functions and actions.

(3) (a) This Article applies to:

- (i) the legislative, executive and judicial branches of government
- (ii) all political subdivisions, departments, agencies, organizations, and instrumentalities of this State, including local governments and municipalities,
- (iii) all statutes, ordinances, rules, orders, programs and policies.
- (iv) all government officials and employees during the performance of government business.

(b) As used in this Article, the phrase "This State and all political subdivisions of this State" shall include every entity, person, action or item described in this Section, as appropriate to the circumstances.

2. *Requiring This State to Preserve, Protect and Enhance English.*

Section 2. This State and all political subdivisions of this State shall take all reasonable steps to preserve, protect and enhance the role of the English language as the official language of the State of Arizona.

3. *Prohibiting This State from Using or Requiring the Use of Languages Other Than English; Exceptions.*

Section 3. (1) Except as provided in Subsection (2):

(a) This State and all political subdivisions of this State shall act in English and in no other language.

(b) No entity to which this Article applies shall make or enforce a law, order, decree or policy which requires the use of a language other than English.

(c) No governmental document shall be valid, effective or enforceable unless it is in the English language.

(2) This State and all political subdivisions of this State may act in a language other than English under any of the following circumstances:

(a) to assist students who are not proficient in the English language, to the extent necessary to comply with federal law, by giving educational instruction in a language other than English to provide as rapid as possible a transition to English.

(b) to comply with other federal laws.

- (c) to teach a student a foreign language as a part of a required or voluntary educational curriculum.
- (d) to protect public health or safety.
- (e) to protect the rights of criminal defendants or victims of crime.

**4. Enforcement; Standing.**

Section 4. A person who resides in or does business in this State shall have standing to bring suit to enforce this Article in a court of record of the State. The Legislature may enact reasonable limitations on the time and manner of bringing suit under this subsection.

**ANALYSIS BY LEGISLATIVE COUNCIL**

*(In compliance with A.R.S. section 19-124)*

Proposition 106 would amend the Constitution of Arizona by adding article XXVIII to make English the official language of this state and all political subdivisions of this state, including every city and county. The Proposition would require this state and all cities and counties to act in English and no other language. To be valid, all governmental documents would have to be written in the English language only. The Proposition would allow the state and its political subdivisions to act in a language other than English when necessary to comply with federal laws, to teach a student a foreign language, to protect the public health and safety and to protect the rights of criminal defendants or victims of crime. Proposition 106 also would allow a person who resides or does business in Arizona to enforce this new constitutional requirement in court.

**LEGISLATIVE COUNCIL ARGUMENTS FAVORING PROPOSITION 106**

The State of Arizona is at a crossroads. It can move towards the fears and tensions of language rivalries and ethnic distrust, or it can reverse this trend and strengthen our common bond, the English language.

Immigrants from all over the world have been able to share their cultural heritages with other Americans because our citizens have shared a common language. With one shared language we have learned to respect other people and other cultures with sympathy and understanding.

But today, language conflicts and ethnic separatism threaten to erode our common bond. If this erosion continues, it will result in irreparable damage to the fragile unity that our common language has helped us preserve for over two hundred years. This amendment will stop this erosion by requiring this state as well as all cities and counties to function only in English, except where public health, safety and justice require the use of other languages. Our state and local governments would also protect English by issuing voting ballots and materials only in English, except when required to do otherwise by federal law.

This constitutional amendment sends a clear and simple message—English is the official language of Arizona. To function and participate in our society, every resident must know English. When people are not encouraged to learn English as quickly as possible, they don't have the same opportunities as others who are skilled in English and they are kept out of the mainstream of American politics, society and economy. English is the language of opportunity, of government and of unity.

**LEGISLATIVE COUNCIL ARGUMENTS OPPOSING PROPOSITION 106**

This Proposition, despite its title, will not preserve English as our common language. Instead, it will undermine the efforts of new citizens of our state to contribute to and enter the mainstream of American society.

While claiming to be a way of promoting unity, this Proposition will actually foster disunity among our citizens where none now exists. It threatens to divide Arizona and tarnish our proud heritage of unity and tolerance.

This Proposition is completely unnecessary. English is now and will remain the language of Arizona. Ninety-eight percent of Americans are fluent in English. And the remaining two percent already have economic reasons to learn English that are far more effective than any ballot proposition can ever hope to be.

The promoters of this Proposition have not thought out its consequences. It is not clear what the state or a local government could or could not do. For example, it could outlaw essential multilingual public service information such as pamphlets informing non-English speaking parents how to enroll their children in school. It could also allow the elimination of court interpreters for witnesses, crime victims and defendants. Street signs with foreign names could be outlawed. The uncertain requirements of this Proposition would invite costly, devious and endless legal battles. And in the end the only winners would be the lawyers.

This Proposition will not help or prompt anyone to learn English. It will not improve human relations. It will not lead to a better state. Instead it will lead to tension and costly litigation. It is unnecessary, counterproductive and, in the most fundamental sense, un-American.

**ARGUMENT "FOR" PROPOSITION 106**

Proposition 106, the proposed constitutional amendment to designate English the official language of Arizona requires that government conduct its business in English. "As the official language of this State, the English language is the language of the ballot, the public schools and all government functions and actions," reads the initiative.

A similar initiative to designate English the official language was passed in California in 1986. 73 percent voted in favor of that initiative.

Further, besides California, 13 other states have already declared English to be their official language.

Proposition 106 has three basic purposes:

1. Designate English the official language of Arizona;
2. Require the government to function in English, except in certain circumstances; and,
3. Require the government to preserve and protect the English language.

Under Proposition 106, government may use languages other than English to:

- Protect the health and safety of citizens,
- Teach foreign languages in schools,
- Protect the rights of crime victims and those accused of committing crimes,
- Comply with federal law, and,
- Teach English to non-English speaking citizens.

Officially sanctioned multilingualism causes tension and division within a state. Proposition 106 will avoid that fate in Arizona, while promoting a more efficient and cost-effective government.

Additionally, passage of Proposition 106 would encourage non-English speakers to familiarize themselves with the language, opening up economic and social opportunities to all Arizonans.

By mandating that government preserve the English language, Proposition 106 ensures that Arizonans will share the common bond of language for generations to come.

The time is now to declare in law what we assume to be fact:

English is our official language

Vote YES on Proposition 106.

Robert D. Park  
Chairman,  
Arizonans for Official English



ARGUMENT “FOR” PROPOSITION 106

Proposition 106 is a proposed Constitutional Amendment that would make English the official language of Arizona. If passed, English will become the primary language of government. Our everyday lives will not generally be affected. Various languages will continue to be taught in schools, and language among friends and in the private workplace will not be altered in any way.

Ours is an age when governments and educators in almost every country in the world encourage children to learn English, a language recognized as the language of international business and air travel as well as that of unity and prosperity.

The motto of our nation, “E Pluribus Unum”, “Out of Many, One”, is the enduring theme and strength of America. Today, due to a trend toward official multilingualism, our great unifying force—the use of the English language—is eroding, and our nation is becoming a people separated by, instead of unified by, language.

The federal government complies with, even perpetuates this lack of unity by requiring states to print bilingual ballots whose extra costs of 10 to 20 percent are then passed on to all citizens.

In addition, the efforts of misguided leaders to promote multilingualism have hurt the persons they are trying to help by delaying their entry into the economic, political and social mainstream of America.

Fourteen states, including California, have already taken action to reinstate the common bond of language in their citizenry by passing measures making English the official language.

As a voter, you have been given an opportunity to create a characteristic to be shared by all Arizonans—making English the official language. We urge you to utilize this opportunity to promote unity in our nation. Support Proposition 106 by voting YES on November 8.

Carl J. Kunasek  
President  
Arizona Senate

Dave Carson  
Representative  
District 1

ARGUMENT “FOR” PROPOSITION 106

The United States is truly a nation of immigrants, who have been drawn to America as a beacon of freedom and opportunity. Because of our diverse background, we share no common bond of race, ethnicity or religion. One bond we do share, however, is the bond of a common language—English.

Throughout our history, immigrants have sought to learn English not only to benefit from the economic opportunities made available as a result of that knowledge, but also to mark their entry into the mainstream of American society.

In recent decades, both the federal and state governments have drifted away from this historic emphasis on English by using other languages for a host of nonessential services. This departure from our historic language policy will have far-reaching effects on the future of American society.

We believe that a policy of a single common language has served our nation well and it avoids the chaos and cost of official multilingualism.

If Arizona voters approve the amendment to make English the official state language they will be signaling the will of the people to maintain our common bond of language and will be directing the state government to halt the drift towards official multilingualism or bilingualism.

Unless we become serious about protecting our heritage as a society of various cultures bound by a common language, we may lose a precious resource that has helped us forge a single people from so many diverse elements. Making English the official language of government will protect the future successful integration of new Americans, as it has helped make Americans out of so many immigrants in the past.

Vote YES on Proposition 106 on November 8.

Linda Chavez  
President,  
U.S. English

ARGUMENT “FOR” PROPOSITION 106

If the United States is to remain a great nation of which we can all be proud, we must have only one official language. We can enjoy many different traditions, cultures, races and languages. However, we must have only one official language for governmental purposes. Without the unifying force of one official language, divisiveness and conflicts are certain to develop.

All patriotic citizens in Arizona will be making a significant contribution toward maintaining our country as a leader in the world of nations when they vote YES on Proposition 106 as an amendment to our state Constitution.

When Arizona citizens cast a YES vote on Proposition 106 it will NOT be denying any non-English speaking person the right to have: 1) an interpreter in an election booth, or; 2) an interpreter in any police action or criminal court of law.

Passage of Proposition 106 will not eliminate bilingual ballots in any official state, county or local elections where required by federal law.

Passage of Proposition 106 will in no way eliminate or discourage the study of foreign languages in our schools. Neither will it disallow the use of any language in conversations in homes, churches or among friends in the private workplace.

Passage of Proposition 106 will permit the continued promotion of bilingual education on all levels of learning in our state where required by federal law.

Passage of Proposition 106 will not eliminate bilingual public notices for the health and safety of our citizens.

The main reason for Proposition 106 is to guarantee that official governmental business, including documents drawn at the state level, as well as business and those documents drawn for all political subdivisions such as counties, cities and towns, shall be valid, effective and enforceable only if conducted and written in the English language.

W. P. Shofstall, Ph.D.  
Professor Emeritus, ASU  
Former Superintendent of  
Public Instruction, Arizona

Wayne A. Forde, MA in Ed.  
Retired Assistant Principal  
Phoenix Union High Schools

Lewis A. Tambs, Ph.D.  
Professor of History, ASU  
Former U.S. Ambassador,  
Columbia and Costa Rica

ARGUMENT “AGAINST” PROPOSITION 106

Every foreign born citizen came to America because here, they have freedom of choice. They became American citizens by choice.

I cannot understand how any American citizen would want English to be our official language after knowing that our forefathers won a revolution 200 years ago to rid this country of English rule.

The only reason we are still using English based law is because of the compromise made to the self-serving English Bankers when making the constitution.

People in Australia speak English because they are subjects of England. Americans are not subjects of England, therefore, our official Language should not reflect a country other than AMERICAN.

In almost every country in the world the language reflects the name of their country. Why should America be different?

People in Russia speak Russian, people in Germany speak German, people in Italy speak Italian, people in Japan speak Japanese, people in Spain speak Spanish, people in France speak French, people in Poland speak Polish, people in England speak English and Americans speak American even if it is derived from English.



Even the English refer to our language as American shown in the glossary printed in England for use in foreign auto repair books.

American should be designated the official language of the United States of America, just as the Webster dictionary shows on it's cover.

If you feel "American" should be designated our official language you have the right to vote no to English and write in Proposition number 106 and the word AMERICAN in the space provided on your write-in envelope.

Buck Burdette, Pres.  
Quartzsite School Board  
Quartzsite, Arizona

ARGUMENT "AGAINST" PROPOSITION 106

Arizona has had a long tradition of embracing the Hispanic and Native American cultures. We see those cultural influences in our art and architecture, our food, our festivals and even our language. The names of our mountains and our rivers, our cities and our streets bear testimony to the pervasive influence that the Hispanic and Native American languages have had on our state.

Despite these influences, there has been no attempt to conduct the State's business in other languages. The governing language of this state has been, and will continue to be, English. Those from other countries and cultures try to learn English as quickly as possible. Immigrants are flooding our English-language classes. Everyone agrees that proficiency in the English language is essential for personal and financial success in this state. Proposition 106 will not help one person to learn a single word of English.

Proposition 106 does more than simply maintain the status quo, however. The constitutional amendment raises a number of questions. Will lawyers no longer be able to use the Latin phrases "habeas corpus" and "subpoena"? Will deaf people be prevented from having a sign language interpreter at city council meetings? Will a city employee be prohibited from explaining a water bill charge to someone who speaks only Spanish? The answers to these types of questions will be determined by the courts through expensive taxpayer-financed lawsuits.

Proposition 106 is offensive to Hispanics and Native Americans because it implies that they are not trying hard enough to learn the English language. But it is also offensive to all other Arizonans. We don't need a law that in any way discourages contributions from those cultures that have so enriched our state.

I urge you to vote no on Proposition 106.

Senator Jaime Gutierrez

ARGUMENT "AGAINST" PROPOSITION 106

Arizona is made up of people from many nations, many cultures, many languages. We are proud to have more Native American communities than any other state, that settlers come here from Spain and Mexico, the rest of Europe, Asia and Africa.

The very name of our State, Arizona, comes from another language.

Now, an organization based in Washington, D.C., proposes that we amend the Arizona Constitution to enact an "English-only" proposal.

What terrible problem does this radical action seek to solve? I can think of none. What problems will "English only" cause if adopted? I can think of many.

There is no question but that residents of Arizona should be proficient in English to fully participate in daily life. However, this measure does not create better ways of teaching English or to help improve communication skills. Instead, it makes it a crime for any government official or employee to conduct business in a language other than English. It also allows any Arizona resident or person doing business in Arizona to file a lawsuit to enforce the language ban. Harassing lawsuits will create an additional financial burden for Arizona taxpayers.

Other languages can be used only in the few situations involving public "health and safety". The limited exception does not seem to allow a police officer or bus driver to give directions to a non-English speaking tourist. Government agencies cannot conduct business with foreign trade delegations interested in buying Arizona products in their own language.

Today, the success of Arizona's economy and the future prosperity of our children is increasingly dependent upon our ability and willingness to compete in the global market place. If Arizona adopts "English only" it will send a negative message to our potential trade partners. We cannot afford to shrink our economic opportunities.

Terry Goddard  
Mayor, City of Phoenix

ARGUMENT "AGAINST" PROPOSITION 106

The English Only movement has arrived in Arizona with the intent of changing our constitution to declare English the official language. It sounds reasonable, but Arizona's teachers have reviewed this proposition carefully and found that there is more here than meets the eye. The English Only movement, financed primarily by out-of-state funds, poses a threat to school children and public education itself.

Practically speaking, English is already the official language of Arizona and the United States. A review of the English Only movement reveals a national campaign that uses language to discriminate against Americans of diverse ethnic backgrounds. Such reactionary views recall some unfortunate periods in American history: the Jim Crow laws of the 1870's, the Chinese Exclusion Act of 1882, the anti-German, English-only Nebraska Act, which was a repercussion of World War I.

These discriminatory laws were the result of perceived conspiracies. Groundless fear of ethnic conspiracy is exactly what the English Only movement in Arizona represents today.

Two out-of-state organizations are behind this movement and have contributed heavily to the Arizona campaign: English First and U.S. English. The President of English First is an officer of another organization which issued a report that implies that Hispanics are a national security risk. We cannot afford passage of this proposition, repeating previous, reactionary blunders.

Instead, it is time we learned from history. English is not in danger; we can't allow alarmists to spread the fear that it is. Such fear discourages the teaching of other languages at a time when multi-lingual communications skills are critical to our Nation's economic and political success worldwide.

Vote no on English Only.

Darrell Guy, President  
Arizona Education Association

ARGUMENT "AGAINST" PROPOSITION 106

Vote no on "English Only" Initiative.

Vote no on the "English Only" initiative if you believe that freedom and justice belongs to all Americans regardless of their language.

Vote no on the "English Only" initiative if you believe that the basic inalienable constitutional rights of life, liberty and the pursuit of happiness belong to all Americans regardless of language.

The "English Only" initiative is veiled in an artificial cloak of patriotism. It is ill intentioned and would discriminate against some of our citizens by restricting basic government services and denying them administrative due process because of language.

Arizona LULAC  
Ralph Romero  
Director

ARGUMENT “AGAINST” PROPOSITION 106

We all agree that proficiency in English is important for anyone who wants to play a meaningful role in society. That is why I supported a proposal that would direct the Legislature to create programs to meet the goal of English literacy. However, the initiative to declare an English-only policy in Arizona is sadly misdirected.

Arizona is commercially a multi-lingual state. Each year, Arizona spends millions of dollars to attract visitors from around the world. A newspaper story earlier this year detailed how Arizona was in the top ten destinations for foreign visitors.

In addition, this state has devoted considerable efforts to encourage exports to other countries. These efforts include the establishment of an office in Taiwan.

Proposition 106, if adopted, could preclude our Departments of Commerce and Tourism from publishing brochures in any foreign language. This would put our state at a serious disadvantage with other states and countries which recognize the importance of helping businessmen and tourists with pamphlets and documents available in other languages.

This proposition could also bar state employees from answering the most routine questions and providing help in many circumstances.

Many Arizonans object to the cost of printing ballots in both Spanish and English. However, Proposition 106 will not eliminate bilingual ballots, which are mandated by federal law.

Passage of an English only amendment would cause more problems for Arizona than it would solve. I strongly urge that you defeat the measure.

Rose Mofford  
Governor

ARGUMENT “AGAINST” PROPOSITION 106

Proposition 106 is a lie.

• It is a lie because it plays on the dislike of the bilingual ballots. But the measure would not affect such ballots, which are controlled by federal law.

• It is a lie because it pretends to protect bilingual education programs designed to teach English to youngsters. But that protection dissolves if such programs are no longer mandated by the federal government.

• It is a lie because it pretends to be a home-grown effort. But virtually every dollar to put the measure on the Arizona ballot came from an organization based on the East Coast. And petition circulators had to be paid to work on the project.

• It is a lie because backers say it is just like the one adopted by California voters two years ago. But the language of the Arizona measure is far broader and has many more prohibitions against the use of other languages.

• And, finally, it is a lie because it pretends that it will cause more people to learn English. Yet it contains absolutely nothing to provide that education.

The key to English proficiency is education for youngsters raised in non-English speaking households and for adults who have never mastered the language. Prohibiting government workers from communicating in any language other than English simply excludes these people from participation in society.

The measure is divisive. It should be relegated to the scrap heap of bad ideas.

State Rep. Armando Ruiz  
Chairman, Arizonans Against  
Constitutional Tampering

ARGUMENT “AGAINST” PROPOSITION 106

We are a nation of immigrants.

Either we or our ancestors—excluding Native Americans—came from many countries. We all came for different reasons, but every one of us looked upon this nation as a place of freedom and opportunity.

This diversity brought strength to this nation. It brought generosity, kindness and a spirit of tolerance. We accept many new things and we grow with our open minds.

Now, some would have us close our minds.

Proposition 106 is the most restrictive and punitive English only measure to be proposed in any state. It goes far beyond what was enacted in California. It is stricter than a measure that is before Colorado voters this year.

It would result not only in discrimination against Arizonans but also would encourage litigation against government officials and employees. It would mandate that all government agencies act in English only and that no other language may be used, with only a few exceptions, such as in protecting the rights of criminal defendants or victims of crime.

That means a government official, employee or agent of the state who may violate this provision—no matter what the reason—could be sued by an Arizona resident or anyone doing business in this state.

Creating more litigation is not the answer for Arizona.

I see the efforts to enact English only legislation as efforts to close the door to our tolerance and generosity. I see these efforts as barriers to our ability to change and grow. In short, I see these efforts as a sign of hard-heartedness in this country.

Proposition 106 is a bad idea and should be defeated.

Morris K. Udall, U.S. Representative

ARGUMENT “AGAINST” PROPOSITION 106

Arizonans are very concerned about current proposed amendments regarding the use of language. Primarily, the Official English amendment. We urge public officials and the community at large to oppose any action intended to mandate or declare English as the only language. Such actions are unnecessary, unconstitutional and un-American. English is already the recognized language of Arizona and the Nation. Relatively few people do not speak English.

The Official English amendment would outlaw the use of any language other than English in the conduct of government business. Only English will be allowed in public schools, state universities, city or state government offices. Officials could not use Spanish or even employ translators in negotiations with Mexico or South America. All non-criminal legal proceedings would have to be conducted in English only. No translators would be allowed either for witnesses or for the parties involved. Unable to get answers these groups would de facto have no rights.



Another set of potential victims of Official English are government employees. The Arizona version of Official English has a third party suit provision. That means that if someone overhears a language other than English being used by a government employee, that person can bring suit. Any resident or person doing business in Arizona can sue. Anyone who uses a foreign phrase or word even accidentally is in jeopardy!

The Official English amendment does not deal with learning English at all. It merely punishes people who do not speak English. The Official English representatives have refused to give their time or money to the literacy projects that are struggling to handle the huge demand for their services. There are thousands on waiting lists, desperate to learn English.

The amendment will cost money. It is expensive to regulate an area that has never been regulated.

Jesus “Chuy” Higuera  
State Senator

BALLOT FORMAT

<div>PROPOSITION 106</div> <div>PROPOSED AMENDMENT TO THE CONSTITUTION BY THE INITIATIVE</div> <div>OFFICIAL TITLE</div> <div>PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE ENGLISH LANGUAGE; PROVIDING THAT ENGLISH IS THE OFFICIAL LANGUAGE OF THE STATE OF ARIZONA, AND AMENDING THE CONSTITUTION OF ARIZONA BY ADDING ARTICLE XXVIII.</div> <div>DESCRIPTIVE TITLE</div> <div>AMENDING ARIZONA CONSTITUTION MAKING ENGLISH THE OFFICIAL LANGUAGE OF THIS STATE AND ALL POLITICAL SUBDIVISIONS; REQUIRING ALL GOVERNMENTAL ACTIONS, FUNCTIONS AND DOCUMENTS TO BE IN ENGLISH; PROVIDING EXCEPTIONS FOR COMPLIANCE WITH FEDERAL LAW, LANGUAGE INSTRUCTION, PROTECTING PUBLIC HEALTH AND SAFETY AND PROTECTING CRIMINAL DEFENDANTS AND VICTIMS OF CRIMES.</div>				
<div>PROPOSITION 106</div> <div>A "yes" vote shall have the effect of requiring governmental agencies to conduct official business in English with certain exceptions.</div> <div>A "no" vote shall have the effect of maintaining the current language status of conducting the affairs of governmental agencies.</div>			YES NO	 

PROPOSITION 300

RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS AS TO LEGISLATIVE SALARIES HAVE BEEN CERTIFIED TO THE SECRETARY OF STATE AND ARE HEREBY SUBMITTED TO THE QUALIFIED ELECTORS FOR THEIR APPROVAL OR REJECTION.

(In compliance with Ariz. Const. art. 5 § 13)

"SHALL THE RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS CONCERNING LEGISLATIVE SALARIES BE ACCEPTED? ☐ YES ☐ NO." SUCH RECOMMENDATIONS IF APPROVED BY THE ELECTORS SHALL BECOME EFFECTIVE AT THE BEGINNING OF THE NEXT REGULAR LEGISLATIVE SESSION WITHOUT ANY OTHER AUTHORIZING LEGISLATION.

STATEMENT FROM THE COMMISSION ON SALARIES  
FOR ELECTIVE STATE OFFICERS

In accordance with the provisions of article V, section 13, Constitution of Arizona, and title 41, chapter 13, Arizona Revised Statutes, we hereby certify that the salary of \$25,000 per annum for each member of the Legislature is recommended by this Commission for submission to the qualified electors of the State of Arizona at the next regular general election.

Eddie Basha, Member	Carl Everett, Chairman	John Mangum, Member
Jose Canchola, Member		Edward Wren, Member

ARGUMENT "FOR" PROPOSITION 300

The salary of Arizona legislators has been \$15,000 since 1981. Since that time, the cost of living has increased dramatically, as have the duties and responsibilities of our legislators. Serving in the Legislature has become a full-time position, with long irregular sessions involving highly complex issues which affect our lives.

The Commission on Salaries for Elective State Officers held extensive hearings in Phoenix and Tucson regarding the proposed increase in legislative salaries. At the conclusion of these hearings, the Commission recommended that legislative salaries be set at \$25,000 per year.

The salary level for state legislators must be sufficient to ensure that competent citizens are motivated to enter and remain in the Legislature without serious financial sacrifice. An adequate salary would encourage the independence which the public has a right to expect of its legislators.

Competence and independence are an investment in honest and efficient government. The Arizona Judges Association recommends the passage of Proposition 300 to set legislative salaries at \$25,000 per year.

Submitted by:  
Arizona Judges Association

ARGUMENT "FOR" PROPOSITION 300

The salary of legislators has been unchanged for eight years. The Commission on Salaries, a constitutional body composed of private citizens, has made a recommendation to increase the salary from \$15,000 to \$25,000. The Commission unanimously concluded that the higher salary is needed to partially compensate for inflation and to encourage talented and dedicated persons to enter and remain in the public service of our state.

Prior to reaching this conclusion, the Commission actively sought comments and recommendations from individuals, organizations and other groups throughout this state. Public hearings were held both in Phoenix and Tucson. The recommendations by those persons and groups were the same—the salary of legislators should be increased.

The Commission believes that the job of being a legislator is worth at least \$25,000. The growth of our state and the growth in the problems which confront our state have placed constantly increasing demands upon the time of the legislature. Serving as a state legislator has become a full-time occupation. The current legislative salary is making it harder for many people to seek election because they must give up or curtail the pursuit of their regular, and often more highly compensated, occupations. The proposed change in salary is intended to make it possible for a broad cross section of our population to seek office and to attract qualified and motivated individuals to run for the legislature.

The Commission on Salaries has considered the matter carefully and strongly urges a yes vote for the recommended \$25,000 annual salary to become effective in January, 1989.

Submitted by:  
 Carl Everett, Chairman

Eddie Basha, Member  
 Jose Canchola, Member

John K. Mangum, Member  
 Edward Wren, Member

ARGUMENT "FOR" PROPOSITION 300

The Arizona State Legislature's general session may only last for several months of the year, but in reality legislators have year-round job responsibilities and are paid only \$15,000 a year. As they should be, our legislators are required to spend much of their time, resources and energies studying the complex issues confronting our state. Their job should not be taken lightly if Arizona's growth is going to continue to bring prosperity to all the state's citizens.

The public has a right to expect that elected officials are informed and knowledgeable. Therefore, we need to make it economically feasible for qualified people from all walks of life and from all areas of the state to serve in the state Legislature. The Arizona Chamber of Commerce supports this demand as well as our state's continued growth and prosperity. The Chamber believes our legislators should be appropriately compensated and encouraged to devote their full attention to the future of Arizona. Therefore, we ask you to join us in support of raising legislators' salaries to \$25,000 a year as proposed by the Commission on Salaries for Elective State Officers.

We urge you to vote yes on Proposition 300.

Don K. Chambers  
 Chairman  
 Arizona Chamber of Commerce

BALLOT FORMAT

<div>PROPOSITION 300</div> <p>RECOMMENDATION OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS AS TO LEGISLATIVE SALARIES HAVE BEEN CERTIFIED TO THE SECRETARY OF STATE AND ARE HEREBY SUBMITTED TO THE QUALIFIED ELECTORS FOR THEIR APPROVAL OR REJECTION.</p> <hr/> <p><b>DESCRIPTIVE TITLE</b></p> <p>PROVIDING FOR AN INCREASE IN THE PRESENT SALARY OF STATE LEGISLATORS FROM \$15,000 PER ANNUM TO \$25,000 PER ANNUM AS RECOMMENDED BY THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS.</p> <hr/> <p>"SHALL THE RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS CONCERNING LEGISLATIVE SALARIES BE ACCEPTED? <input type="checkbox"/> YES <input type="checkbox"/> NO."</p> <p>SUCH RECOMMENDATIONS IF APPROVED BY THE ELECTORS SHALL BECOME EFFECTIVE AT THE BEGINNING OF THE NEXT REGULAR LEGISLATIVE SESSION WITHOUT ANY OTHER AUTHORIZING LEGISLATION.</p> <p>Current Legislative Salary .....\$15,000</p> <p>Salary Proposed by Salary Commission .....\$25,000</p> <hr/> <div>PROPOSITION 300</div> <p>A "yes" vote shall have the effect of raising state legislator's annual salaries to \$25,000.</p> <p>A "no" vote shall have the effect of maintaining state legislator's annual salaries at \$15,000.</p>			YES  NO	<div>➡</div>  <div>➡</div>
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## NOTES

## VOTER'S GUIDE

This form is for your convenience to mark your choices after studying the Publicity Pamphlet. This page may be detached from the pamphlet and taken to the polling place General Election day November 8, 1988 to assist you in voting your ballot.

Proposition 100 ☐ Yes ☐ No

Proposition 101 ☐ Yes ☐ No

Proposition 102 ☐ Yes ☐ No

Proposition 103 ☐ Yes ☐ No

Proposition 104 ☐ Yes ☐ No

Proposition 105 ☐ Yes ☐ No

Proposition 106 ☐ Yes ☐ No

Proposition 300 ☐ Yes ☐ No

To Remove — Cut Here

### **NOTICE TO VOTERS**

1. Anyone who is either physically or visually impaired or **WHO IS UNABLE TO READ** or understand the contents of the ballot may be accompanied into the voting booth by a person of his choice or a representative of each major political party for the purpose of assisting him in casting his ballot.
2. Sample ballots may be brought to the voting place and may be taken into the voting booth on the day of the Election.
3. Any qualified voter who at 7:00 P.M. is in the line of waiting voters shall be allowed to prepare and cast his ballot.

### **ABSENTEE VOTING INFORMATION**

You may vote an Absentee Ballot for this Election if you qualify under any of the following conditions:

- |                                 |                                |
|---------------------------------|--------------------------------|
| A. Physically Disabled.         | E. The Tenets of my religion   |
| B. 65 years of age or older.    | prevent my attending the       |
| C. Live more than 15 road miles | polls on the day of the        |
| from the Polling Place.         | Election.                      |
| D. Absent from the precinct on  | F. Because I am Legally Blind. |
| Election Day.                   |                                |

#### **TO OBTAIN AN ABSENTEE BALLOT:**

- A. Appear in person at the office of the County Recorder

OR

- B. Submit a written request to the County Recorder indicating one of the above conditions.

NOTE: If confined because of physical disability, indicate address of confinement. If you will be out of town indicate where to mail the ballot.